



**Benton County Planning Board
Public Hearing
Technical Advisory Committee Meeting**

May 06, 2015
6:00 PM

Benton County Administration Building
215 East Central Avenue, Bentonville AR

Planning
Board
Approval:

OK.
5-20-15

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:00 PM by Planning Board Chair Starr Leyva.

Roll Call: Starr Leyva, Ron Homeyer, Ashley Tucker, Rick Williams, Jim Cole, Mark Curtis and Sean Collyge were present.

Staff present: Administrator of General Services – John Sudduth, Building Official – Glenn Tracy, Planning Director – Kevin Gambrell, Planning Manager - Taylor Reamer, and County Planner—Caitlynn Kimbrough were present.

Public Present: 16 members of the public were present. *(See sign in sheet attached below).*

Disposition of Minutes: 04-18-2015

Mr. Curtis stated a correction should be made on the Landis Variance item. Mr. Curtis pointed out to staff that the downhill septic system should actually be labeled an uphill septic system.

Mr. Tucker moved to approve the April 15, 2015 Planning Board Meeting Minutes with corrections. The motion was seconded by Mr. Williams. The motion carried 7-0.

(The correction was not made – staff concluded that the original statement of “a downhill septic system” was correct.)

General Public Comment:

Bob Bland, 10420 Keller Rd, Centerton, AR

Comment: Mr. Bland informs the board that he wants to comment on the upcoming TAC item agenda Lonesome Oak Guns and Range. Mr. Bland states that the project was originally approved in 2012 with five stipulations. These five stipulations are: provide an access plan, hours of operation are to be 8am-5pm, berms that conform to NRA Range source book, mitigate noise through landscape and physical barriers, and follow a lead management plan. Mr. Bland states that the applicant/owners have not met all of these stipulations and that this be confirmed.

Kathy Schligul, 2210 Kinyon Rd, Centerton, AR

Comment: Mrs. Schligul informed she is speaking on the Lonesome Oak Guns and Range TAC item. Mrs. Schligul stated that Centerton is growing successfully with a new super center, high school, and nursing home. Mrs. Schligul expressed her concern for this nursing home in close proximity to the gun range. Mrs. Schligul stated that this project is negative on the community and those living around it and thus the hours should not be amended.

Jim Mulligan, 591 Keller Rd, Centerton, AR

Comment: Mr. Mulligan stated his residence is 600 yards from this existing gun range and that he does not get peace from the noise it creates. Mr. Mulligan also informs that the gun range had been doing business outside of the approved hours. He also states his concern for a future sale of his residence and the hardships he will face with the noise from the gun range.

Board Comment:

Mrs. Leyva asked Mr. Mulligan if he had notified and/or filed an official complaint with the Planning staff in regards to the gun range running the business outside of the approved hours.
Mr. Mulligan confirmed he did not file an official complaint.

Old Business: None

New Business:

**A. Landis Variance, #15-031, 12 Reynolds Rd., Rogers
Represented by Shawn Gaddy 17757 Highway 12 East, Rogers**

Mrs. Leyva asked Staff for the report of Landis Variance, #15-031.
Staff gave a presentation on Landis Variance, #15-031 to the Board outlining the information in Public Hearing Report, Landis Variance.

Applicant Comment:

Mr. Gaddy informed he did contact Caroline Eastman (Arkansas Health Department) and they did not find any interfering information.

Board Comment:

Mr. Cole asked staff to confirm that the hardship on this property was the topography.
Staff confirmed the hardship to be the topography and the location of the septic system.

Mr. Tucker asked that the appearance of the house would be consistent with the houses in the surround subdivision.
Staff confirmed that the proposed setback would be similar with the subdivision setbacks west of the property.

Vote: Mr. Curtis made a motion to approve the Landis Variance case #15-031. Mr. Cole seconded the motion.

The motion carried 7-0.

The Landis Variance (case #15-031) was approved 7-0.

Public Hearing adjourned at 6:16 pm.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 6:16 pm

Old Business: None

New Business:

**A. Forest Park/Pinecrest Major Replat, #15-040, E AR Highway 12, Rogers
Represented by Leonard Gabbard, 7521 W Wedington Dr. Fayetteville, AR**

Ms. Leyva asked Staff for the report of Forest Park/Pinecrest Major Replat, #15-040.
Staff gave a presentation on Forest Park/Pinecrest Major Replat, #15-040 to the Board outlining the information in TAC Report, Forest Park/Pinecrest Major Replat.

Board Comment:

Mr. Tucker confirmed that the property is an unplatted subdivision converted to tract land.
Mr. Gabbard agreed.

Mr. Tucker asked if any of the improvements were built.
Mr. Gabbard stated that no lots were built on.

Mrs. Leyva asked when the subdivision was originally platted.
Staff confirmed in 1964 and 1965.

Mr. Curtis asked how lots 1, 2, and 3 will have access if Deer Trail is removed.
Staff stated that there is a privately agreed upon access easement to those properties between the property owners from the replat as well as lots 1, 2, and 3. Deer trail has been vacated and is a private access and use easement.

Mr. Curtis asked if there were any buildings on lots 1, 2, and 3.
Mr. Gabbard stated all were vacant.

Mr. Curtis asked if the access to tract 2 will be from Hilltop Road.
Mr. Gabbard confirmed that access to tract 2 will be from Hilltop Road.

Mr. Tucker asked if there were any other lots not affected.
Staff stated all lots to the south have access from Hilltop Road, and parcel 15-03212-000 is part of the privately agreed upon access (what was deer trail).

**B. Stoddard Variance, #15-041, 21995 Indian Bluff Rd., Garfield, AR
Represented by Marcie Platz, P.O. Box 223, Bentonville, AR**

Ms. Leyva asked Staff for the report of Stoddard Variance, #15-041.
Staff gave a presentation on Stoddard Variance, #15-041 to the Board outlining the information in TAC Report, Stoddard Variance.

Board Comment:

Mr. Tucker asked if the reason it was coming to the Board was because of the tract split.
Staff confirmed that the owner was taking planning action on the property and the existing home would need to be legitimized through the variance process prior to the minor subdivision (tract split) application.

Mrs. Leyva asked how old the existing residence is.
Ms. Platz stated the house is six years old.

**C. Easley Variance, #15-050, 8654 Low Chaparral Rd, Rogers, AR 72756
Represented by Jeff Easley, subject property owner**

Ms. Leyva asked Staff for the report of Easley Variance, #15-050.
Staff gave a presentation on Easley Variance, #15-050 to the Board outlining the information in TAC Report, Easley Variance.

Applicant Comment:

Mr. Easley informed staff he has already recieved a verbal agreement from adjacent property owners and that they have no objection to the variance request or proposed development.

Mr. Curtis informed that he is an adjacent property owner. He also informs the Board that the property fronts along a private road.
Staff stated that it is a private road with public access but there is a 20' easement for access and no right of way.

Board Comment:

Mrs. Leyva asked if the septic tank located next to the guest house serves both the guest house and main residence and if the applicant knew the location of the septic lines.
Mr. Easley confirmed it serves both and he is aware of the septic line location.

Mrs. Leyva asked the applicant what the hardship was on the property.
Mr. Easley stated that the hardship was the extremely steep slope.

Mrs. Leyva asked how large the proposed garage would be.
Mr. Easley stated the garage would be a two and a half car garage.
Mrs. Leyva asked if the garage would be a two car garage if it would fall in the existing setback requirement.
Mr. Easley confirmed that if the proposed garage were a two car garage it would fit in the existing setback requirement.

Mr. Tucker asked if there was a comment from the fire marshal.
Staff confirmed that there was 'no comment' from the fire marshal.
Mr. Curtis stated that the fire rescue can only go in one way because of the original layout of the neighborhood and that the existing road was actually intended as an easement.
Mr. Easley stated that the proposed project would improve the road structure somewhat.

**D. Lake Siloam Springs SPR, #15-054, 22700 Dawn Hill East Rd, Siloam Springs, AR 72761
Represented by Troy Kirkendall, Parks Manager City of Siloam Springs, 400 N. Broadway, P.O.
Box 80, Siloam Springs, AR**

Ms. Leyva asked Staff for the report of Lake Siloam Springs SPR, #15-054.
Staff gave a presentation on Lake Siloam Springs, #15-054 to the Board outlining the information in TAC Report, Lake Siloam Springs.

Applicant Comment:

Mr. Kirkendall stated that it depends on what is under the ramp based on if they will actually need the 404

permit or not. However, they have started the permit process.

Board Comment:

Mrs. Leyva asked the applicant to remind the Board what phase one was of this project.
Mr. Kirkendall stated that phase one was the removing of the dredging.

Mr. Tucker asked if the boat parking area could possibly have stall in the center thus keeping the trailers from backing up.
Mr. Kirkendall stated that the design came from wanting to maximize the number of stalls in the parking area.

Mr. Tucker asked the applicant if cars could see bikers crossing the road on the bike trails.
Mr. Kirkendall stated that the design has changed from two crossings to one with a quarter mile view in both directions for vehicles and bikers. There is proposed signage as well.
Mr. Tucker confirms that the eastern crossing should be removed.
Mr. Kirkendall agrees.

Mr. Homeyer asked if they were going to clear the trees back for more visibility for bikers and oncoming traffic.
Mr. Kirkendall stated that there was already a large clearing in that location but they would clear some back if necessary, along with signage to vehicles.

**E. Lonesome Oak Guns & Range LSD- Amendment, #15-051, 2016 W Centerton, AR
Represented by Kathleen Kinyan, and Kenneth Swank (property owner), Centerton**

Ms. Leyva asked Staff for the report of Lonesome Oak Guns & Range LSD-Amendment, #15-051.
Staff gave a presentation on Lonesome Oak Guns & Range LSD-Amendment, #15-051 to the Board outlining the information in TAC Report, Lonesome Oak Guns & Range LSD-Amendment.

Applicant Comment:

Ms. Kinyan stated that the area of Centerton the gun range is in is an industrial use area and the businesses around them stay open past 5pm. She also stated that the hours of operation amendment is due to daylight savings time. The time change makes it impossible for citizens to get off work and use their business during the current hours of operation. She stated that the recreational shooting hours proposed are for sun up to sun down. The proposed hours are set to include this sun up to sun down time frame. Ms. Kinyan also stated there is a possibility in the future of having lights on some of the shooting bays, making after sun down shooting available to the public, thus the till 10pm hours of operation amendment.

Ms. Kinyan stated that the gun range has been approached by Benton County Sheriff Department, Prosecuting Department, and a SWAT team if they could come out and practice after dark. This is the reasoning behind the 10pm-12am hours of operation amendment. These proposed hours of operation would not be used seven days a week but are based on how often law enforcement utilizes for their training. Ms. Kinyan stated she just wanted to cover the days and hours even if it is few times per year.

Ms. Kinyan also stated that the school down the road in Centerton, Lifeway Christian has a shooting team that would like to use the gun range facility for practices on Tuesdays and Thursdays. However, the coach cannot be at the range until after 5pm.

Board Comment:

Ms. Leyva asked what the appeals board originally approved for the hours of operation. Staff answered that the 8am-5pm hours of operation were a part of the five stipulations that the appeals board set forth.

Mr. Curtis asked the applicants to respond to the statement that there was shooting after hours on the range.

Mr. Swank stated that if any gun were to go off past 5pm anyone could have assumed it was the gun range. Ms. Kinyan stated that the entire property is secured with fencing and a security gate that no one can go into after 5pm except for the owner and fire rescue. The security gate requires a code to pass through between the hours of 6am-8pm for the storage unit at the front of the property. However, the gate can be set to match certain hours.

Mr. Tucker requested staff to research the stipulated hours of operation of two other gun ranges (one in Arkansas and one in Alabama) that are also in close proximity to residents. Independence County gun range in Arkansas and FOP in Birmingham, Alabama are the two gun ranges.

Ms. Kinyan stated that the Springdale gun range is allowed to stay open until 10pm.

Mr. Curtis asked Staff when the lead management plan was turned in as one of the five stipulations originally approved.

Staff answered that they did not have the original letter and would get the date.

Mr. Curtis asked if the planting stipulation had been filled as well.

Staff informed the Board that the planting agreement had been filled on April 9 as well as continuing to implement berming. The existing berms exceed the height requirement.

Ms. Kinyan stated there are 300 trees planted on the property as well.

Mr. Tucker asked when the Nighthawk Gun Range stopped operating.

Ms. Kinyan stated December 1, 2013.

Mr. Tucker asked the applicants if they had operated since Lonesome Oak Guns & Range since then.

Ms. Kinyan stated that was correct.

Mr. Swank stated that another reason for the hour change amendment request is so that they could get equipment out and continue to improve berms and other updates.

Mrs. Leyva asked if the applicants had submitted any soil samples under the lead management plan.

Mr. Swank stated that the samples will be submitted in two years according to the stipulations.

Staff stated the lead management plan requested soil samples after five years.

Mr. Tucker questioned if the notices had gone out.

Staff answered that the sign was up and the notices had gone out.

Mrs. Leyva confirmed that the changes proposed were hours of operation amendment, additional berms for sound barriers, and removal of parking, additional gravel parking.

Ms. Kinyan stated these were the changes and the hours of operation were recreation and then law enforcement.

Mr. Homeyer asked if the law officer present would come up to speak on the frequency in which they would

use the gun range for night training.

Andy Lee, Special Operations Division at the Sheriff's Office, 3115 SW River Stone Ave, Bentonville

Mr. Lee explained that moving around to different gun ranges increases practice with different surroundings, targets etc. Mr. Lee stated that they would only use the gun rang 4-6 times a year (under the proposed law enforcement hours). He also stated that they would notify surrounding residents and neighborhoods when they would be doing the night training. Mr. Lee also clarifies that the later hours are helpful during the summer months because sun down is not until later and they need time to get their training complete. He stated how important it is for the officers to have adequate training during the dark hours.

Mrs. Leyva confirmed that law enforcement would only need the gun range after hour's training up to six times a year.

Mr. Lee stated that was correct if not less.

Mr. Tucker asked Mr. Lee where the officers are currently training.

Mr. Lee answered sometimes alligent and another facility off of Short Rd.

Mr. Sudduth asked if the representative from the prosecuting office would come forward to share.

Bruce Rutherford, Prosecuting Attorney, 20437 Bruce Rutherford Dr., Siloam Springs, AR

Mr. Rutherford stated that they only train at this gun range. He also stated that they do not do as much night fire. Mr. Rutherford stated that this range is fantastic, and that if someone is shooting at one bay it is hard to hear at the bay you're in, thus the noise is not an issue to him.

Mrs. Leyva asked if Mr. Rutherford would be using the range for the night training as well.

Mr. Rutherford said maybe once a year.

Other Business: None

STAFF UPDATES:

A. Administrative Approvals

- I. Kilpatrick Minor Subdivision, #15-048, Holiday Hills Dr., Rogers, AR**
 - Total acreage of 15.23 acres
 - Approved April 22, 2015

- II. Green Minor Subdivision, #15-042, 13669 Sugar Creek Rd., Avoca, AR**
 - Total acreage of 19.86 acres
 - Tract 1 – 17.86 acres
 - Tract 2 – 1 acre
 - Tract 3 – 1 acre
 - Approved April 10, 2015

- III. Weston Minor Subdivision, #15-046, Panorama Rd., Rogers, AR**
 - Total acreage of 21.82 acres
 - Tract 1 – 6.807 acres

- Tract 2 – 8.388 acres
- Tract 3 – 6.627
- Approved April 20, 2015

DISCUSSION ITEMS: None

Meeting Adjourned at 7:35 pm.

